

MINUTES

WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting held in the Conference Meeting Room
Second Floor, Court House
Boonville, Indiana
April 25, 2007 at 6:00 P.M.

MEMBERS PRESENT: Larry Willis, Chairman of the Board; Steve Gibson, Terry Dayvolt, and William McCune

Also present were: Sherri Rector, Executive Director and Secretary; Morrie Doll, Attorney; Jaynann Hebner, staff and Christy Powell, staff.

MEMBERS ABSENT: Eric Stahl, Don Mottley, Richard Medcalf.

Mrs. Rector stated there is a quorum but because there are only four Board members present, it will take a unanimous vote to pass these petitions.

Mr. Willis explained the rules of procedure. He stated it will take a unanimous vote to get what is before them approved. He stated the petitioners have a choice to continue until next month's meeting, May 23rd, and will be granted an automatic extension if they wish.

MINUTES:

Mr. Willis asked if everyone got a copy of the minutes from March 28, 2007. He asked if there were any corrections or additions to those minutes. There being none he entertained a motion.

Terry Dayvolt made a motion to accept the minutes from the March 28, 2007 meeting.

William McCune seconded and the motion unanimously carried.

VARIANCES:

BZA-V-07-04 – Applicant: Alvey's Sign by John Devries, Account Executive. Owners: Peoples Trust & Savings Bank by Victor Bowden, Security Officer.

Premises – Property located on the E side of SR 261 approximately 0' N of the intersection formed by SR 261 and Oak Grove Rd. (S 300) Ohio Twp. Lot 1 Paradise Park Sub. 7199 Parker Dr.

Nature of Case – Applicant requests a Variance from the requirements as set forth in the Comprehensive Zoning Ordinance and the Subdivision Control Ordinance in effect for Warrick County, Indiana, to allow an Improvement Location Permit to be issued for a message board to encroach in a 25' building setback line and a 12' Ameritech easement in a "C-1" Neighborhood Commercial Zoning District. *Advertised in the Boonville Standard on February 15, 2007. Continued from February 28th & March 28th meetings.*

Victor Bowden approached the podium.

Mrs. Rector stated they do have all the return receipts from certified mail to the adjacent property owners except for one but they do have the white pay receipt and it was mailed to the correct address so those are in order for it to be heard. She continued stating, the variance is to allow an Improvement Location Permit for a message board to encroach in a 12' Ameritech easement. She stated the property is in Paradise Park Subdivision and is zoned "C-1" Neighborhood Commercial. She stated it is the People's Bank property. She stated the property to the north and east is zoned the same and vacant. She stated the property to the south is zoned "R-1A" Single Family with residences and the property to the west is zoned Agriculture with a residence and John H. Castle Elementary School. She stated the applicant did obtain an Improvement Location Permit for the sign on August 10th, 2006 showing the sign to be located 70 feet from the center line of SR 261. She stated after discussion with Richard Meyer from INDOT they found that the sign was only 51 feet from the center line of the highway and was located within a

recorded 12' Ameritech easement. She stated the staff was not informed at the time that the sign was going to be a message board when the permit was issued. She stated a certified letter was then sent to both Alvey Sign Company and People's Bank informing them of the apparent problem on November 20, 2006. She stated they have received a consent letter from Ameritech stating the encroachment is permissible subject to certain stipulations so any conditions of approval should be subject to the stipulations as stated by Ameritech. She stated there is no flood plain on the property and the application is in order.

Mr. Willis asked the petitioner if he had anything to add to the staff report.

Mr. Bowden stated no.

Mr. Willis asked the petitioner if he wanted to continue with the variance or table to the next meeting.

Mr. Bowden stated he would like to continue with the limited Board members.

Mr. Willis asked if there were any questions by Board members.

Mrs. Rector stated she would like the record to show that Mr. Devries is present from Alvey Sign Company and they are the applicant.

Mr. Willis asked for any questions by Board members. There being none he asked for any remonstrators for or against this petition. There being none he asked the Executive Director if there were any letters of remonstrance.

Mrs. Rector stated no but she did want to remind the Board that normally one of the conditions of approval should be that the sign is for the advertisement of the business only and should not be used for advertising other companies, only for People's Bank. She stated she thinks they're aware in the ordinance that the sign can not state "stop" or "look" or anything that would get drivers confused in any way.

Mr. McCune asked if this is an electronic sign or if it is just a regular sign with the final letters already on it.

Mr. Bowden stated the sign says People's Bank but the message board is LED and can be changed any time to state special rates on CDs, etc.

Mrs. Rector asked Mr. McCune if he's seen the sign at SR 261. She stated that's the sign.

Mr. McCune stated yes.

Mrs. Rector asked Mr. Bowden if it's run by a computer and you can change the message.

Mr. Bowden stated right.

Mr. Willis stated if it's not for their personal advertising it becomes outdoor advertising and falls under State laws.

Mr. Bowden stated he's aware they can't advertise another business. He stated he was wondering, if for example, Castle High School had a ball game or something, could they advertise that to help the school since they are right there located by the school. He stated that wouldn't be advertising, that would just be letting them know that there's ball games or special events happening at the local high school or junior high.

Mr. Doll stated it is supposed to be used for the business. He stated that is done every day but the code is pretty clear about that.

Mr. Bowden stated okay, he just wanted to clarify that.

Mr. Willis asked if there were any other questions by Board members.

Mr. Dayvolt stated he knows there is more property behind the bank known as Paradise Park. He asked if they are planning to have any signage going up for that.

Mr. Bowden stated no.

Mr. Dayvolt stated what about in the future.

Mr. Bowden stated as far as business concerns, there will be no signage.

Mr. Dayvolt stated what about for the businesses back there.

Mr. Bowden stated the businesses back there will be on their own for their own property. He stated they are just selling the lots, how they advertise is up to them.

Mr. Dayvolt stated he didn't know if they had any plans to put a common sign up front.

Mr. Bowden stated they've never discussed it or considered or thought about it.

Mr. Willis asked for any other questions by Board members. There being none he entertained a motion.

Steve Gibson made a motion findings of fact be made as follows:

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community.
2. The use or value of the area adjacent to the property included in the Variance will not be adversely affected.
3. The need for the Variance arises from some condition peculiar to the property and does not exist in similar property in the same zone.
4. The strict application of the terms of the ordinance will constitute unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The sign already exists and it would be a financial hardship to move the sign.

And the application be approved in accordance with the application and plans on file subject to the following conditions:

1. Improvement Location Permit 2006-651 being amended.
2. Subject to any required Building Permit from the Warrick County Building Department being obtained.
3. Subject to the property being in compliance at all times with the applicable zoning Ordinances of Warrick County.
4. Subject to all utility easement and facilities in place.
5. Subject to advertising only for People's Bank and no other businesses.
6. Subject to the stipulations listed in the letter from Ameritech dated 1/16/07.
7. Subject to the words "stop", "danger", "look", or any other word which would confuse traffic not being used.

Bill McCune seconded the motion.

Mr. Willis asked if there was any discussion by the Board.

Mr. Dayvolt asked if the sign ever comes down, would it be permitted to go back in the same place.

Mr. Doll stated he didn't think so.

Mr. McCune stated this variance is just for this sign only.

Mr. Willis stated it would be treated as a new sign if this one came down and they wanted to build another one. He asked if there was any further discussion. There being none he called for a vote and the motion unanimously carried.

Mrs. Rector stated his approval will be ready Friday.

BZA-V-07-11 – Applicant & Owner: Donna Sims

Premises – Property located on the E side of 8th St. approximately 318' N of the intersection formed by 8th St. and Maple Grove Rd. (N & S 0) Boon Twp. (Complete legal on file.) *1602 S. 8th Street.*

Nature of Case – Applicant requests a Variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, to allow an Improvement Location Permit to be issued for a Single Family Dwelling (manufactured home) to be located on property with an existing mobile home being used for rental property in an “A” Agriculture Zoning District. This is to allow an amendment to BZA-V-92-69. *Advertised in the Boonville Standard on April 12, 2007.*

Jim Welch approached the podium representing Donna Simms who was present but didn't want to speak. He stated she is nervous and she asked him if he would speak for her.

Mrs. Rector stated they do have all the return receipts of certified mail for the adjacent property owners. She stated that Mrs. Simms owns two parcels of property; a 1.8 acre and a 1.7 acre piece. She stated on October 21, 1992 the Simms' were granted a variance to allow a mobile home on property with an existing residence that sits across both pieces. She stated this mobile home was supposed to be used by Ricky and Angela Simms only. She stated Mrs. Simms now rents the mobile home. She stated any approval should also allow for an amendment to BZA-V-92-69 to allow the mobile home to be continued as rental property. She stated the applicant states on the application “my previous residence burned in February of 2007. I would like to be able to replace it with a manufactured home. The existing mobile home which is rented has been there for years and is a source of my income and it would create an emotional and financial hardship to move it.” Mrs. Rector stated it was originally approved by the Board in 1992. She stated the ordinance states there should be only one residence per property therefore she is requesting the variance. She stated if the existing mobile home was not on both pieces of property it would not be needed and she can not divide the property now the way that the mobile home sits to meet the ordinance due to the size. She stated the property is zoned “A” Agriculture. She stated the surrounding property is zoned the same with residences on them and the applicant does have a sign off from the Health Department on the septic system for the new home and the application is in order.

Mr. Willis asked Mr. Welch if he had anything to add to the staff report.

Mr. Welch stated no except one thing. He stated his mother, Donna Simms, will be living in the new mobile home that they are here asking permission for.

Mr. Willis asked if there were any questions by Board Members.

Steve Gibson asked if they did approve this, they are going to be approving to allow the mobile home to stay as rental property plus putting the manufacture home on the same property. He stated it was originally supposed to be for one family.

Mrs. Rector stated it was originally approved for their children.

Mr. Willis stated he failed to ask Mr. Welch if he wanted this continued until the next meeting when there are more members of the Board present.

Mr. Welch stated no, he is fine with proceeding.

Mr. Willis stated he just wanted to make that part of the record that he had that opportunity. He asked if there were any other questions by Board members.

Mr. McCune asked if Mr. Welch's mother, Mrs. Simms the petitioner, is living in the trailer now.

Mr. Welch stated no, she will be living in the new one.

Mr. McCune asked Mr. Welch if he's renting the trailer out.

Mr. Welch stated it is a source of his mother's income.

Mr. Dayvolt asked if the mobile home is new.

Mr. Welch stated it is a 2006 but it has never been lived in.

Mrs. Rector asked if it is a manufactured home.

Mr. Welch stated yes.

Mr. Dayvolt asked if it will be on a foundation or if it will have skirting around it.

Mr. Welch stated it will have skirting around it and it will be sitting on pillars.

The Board reviewed the aerial photo of the property.

Mrs. Rector pointed out the mobile home sitting across the property line.

Mr. Dayvolt asked if the other one is going to sit out front on 8th Street where the house was originally.

Mrs. Rector stated yes. She asked Mr. Welch if that was correct.

Mr. Welch stated yes.

Mr. Willis stated if the existing mobile home was sitting to the north 50 feet this wouldn't be an issue because it wouldn't be straddling two properties.

Mr. Welch stated it's straddling the property line by 12 feet.

Mrs. Rector stated if she tried to adjust the property to where it met yard requirements then the house wouldn't comply. She stated there's no way to move the lot lines to make it meet the ordinance.

Mr. Willis asked if there were any other questions by Board members. There being none he asked if there were any remonstrators for or against this petition. There being none he asked for any other questions by Board members. He asked if that is still 8th Street until Maple Grove and then it changes to Owensboro Rd.

Mrs. Rector stated yes.

Mr. Willis entertained a motion.

Terry Dayvolt made a motion findings of fact be made as follows:

1. The Variance will not result in substantial detriment to adjacent property or the surrounding neighborhood, and will not be materially detrimental to the public welfare.
2. The Variance is a means of relief because of the size of the properties and location of existing structures for the owner to have rights to some reasonable use of the property.
3. That the circumstances of the lot size and existing structures cause a hardship peculiar to the property and clearly constitutes a marked exception to the property in the neighborhood.
4. By granting this Variance, the applicant will be able to use the property for a new residence replacing her residence that was destroyed and allowing the existing mobile home to be used as rental property.

And the application be approved in accordance with the application and plans on file subject to the following conditions:

1. Subject to this application amending BZA-V-92-69 to allow the existing mobile home to be used as rental property.

2. Subject to an Improvement Location Permit being obtained.
3. Subject to any required building permit from the Warrick County Building Department must be obtained.
4. Subject to all rules and regulations of the local health department.
5. Subject to property being properly maintained at all times.
6. Subject to all public utility easements and facilities in place.

Steve Gibson seconded and the motion unanimously carried.

Mrs. Rector stated her approval will be ready Friday and then she can start the process of getting the permits.

BZA-V-07-15 – Applicant: Hafer Associates, PC by Jeffrey A Justice, Pres. Owner: Chandler State Bank c/o The National City Bank of Evansville by Martin Zorn, CFO, EVP-Finance & Risk.

Premises – Property located on the S side of SR 66 approximately 180’ E of the intersection formed by SR 66 and Evansville Federal Dr. Ohio Twp. Lt 3B in Evansville Federal Exempt Division. 7833 SR 66.

Nature of Case – Applicant requests a Variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, to allow an Improvement Location Permit to be issued for an addition only being 6” from the property line and not meeting the minimum side yard requirement in a “C-3” Highway Commercial Zoning District. Advertised in the Boonville Standard on April 12, 2007.

Jeffrey Justice approached the podium. He stated he is an architect for the bank and representing them this evening. He stated there are representatives from the bank present and also the adjacent property owner is in the audience.

Mr. Willis asked if he wanted to proceed with this petition this evening or if he wanted to continue until next month when they have more Board members present.

Mr. Justice stated he would like to proceed.

Mr. Willis asked for a staff report from the Executive Director.

Mrs. Rector stated they do have all return receipts from certified mail to the adjacent property owners. She stated the applicant is requesting the variance to allow an addition to an existing bank being only 6 inches off the property line. She stated the zoning ordinance requirement is 5’ so they are requesting a 4 ½ foot relaxation. She stated the applicant states on the application “we request an addition on the west side of the building due to the fact that expanding the facility in any other direction would effect drive thru traffic and traffic flow around the site and would eliminate more parking spaces then the proposed plan.” Mrs. Rector stated the property is approximately ½ acre zoned “C-3” Highway Commercial and is Lot 3B in the Evansville Federal Exempt Division of Lot 3 in Evansville Federal Subdivision. She stated the property to the north is zoned “C-4” General Commercial which is the McDonalds and CVS across the interstate. She stated the property to the east is “C-3” with Family Video store. She stated the property to the south is zoned “C-3” with Southern Indiana Honda and the property to the west is also “C-3” with a medical office building. She stated there are several easements on this plat granted through deeds for ingress and egress. She stated a variance was obtained to be able to divide the property because Evansville Federal Drive is not a County maintained road. She stated that was approved by the Board of Zoning Appeals some years back. She stated she believes that there is no objection from the adjacent property owner.

Mr. Justice stated that he believes that to be true but the adjacent property owner is here in the audience and could answer that himself.

Mrs. Rector stated the application is in order.

Mr. Willis asked Mr. Justice if he had anything to add to the Executive Director’s report.

Mr. Justice stated he'd be happy to answer any questions the Board might have.

Mr. Willis asked for any questions by Board members.

Mr. Willis asked what the proposed addition is going to be used for. He stated 395 square feet is not very much.

Mr. Justice stated there will be three offices created in that area.

Mr. Willis asked if there were other questions by Board members.

Mr. Dayvolt asked if they have enough property for the drive thru in case this other property owner says his customers can not drive on his property. He asked if they could still get through.

Mr. Justice asked him to repeat the question.

Mr. Dayvolt stated on the west side of the property, most people loop around and he knows there's parking on this one side.

Mr. Justice stated that is correct. He stated there is an easement in place right now to share parking on that side and to share traffic flow. He asked Mrs. Rector if that is correct.

Mrs. Rector stated yes.

Mr. Willis stated it is tight and clustered.

Mr. Justice stated yes it is. He stated they looked at different directions and he believes this is the best one to accomplish what they're trying to do for the bank. He stated he believes both entities have been good neighbors to this point and are comfortable with the plans.

Mr. McCune asked what about making the offices smaller.

Mr. Justice stated a 9x9 office is already pretty small.

Mr. McCune stated 6 inches from the property line is not very much.

Mr. Justice stated that is not very much from the edge of the property but it's a significant distance from the adjoining building. He stated the side itself will not be crowded anymore from a traffic standpoint then it is now and obviously they would have to be very careful in setting the foundations and construction of the building so that they respect that property line.

Mr. McCune asked if right now they are using the other property as a parking lot.

Mr. Justice stated the other property has a business on it also and the lot itself is designed so that the combined parking available on both sites served both facilities.

Mr. Willis stated with a common parking lot.

Mr. Justice stated that is correct and he does not believe there are any issues with numbers of parking spaces or people not having enough parking spaces on the side. He stated if that were an issue they wouldn't even be before this body right now.

Mr. Dayvolt asked about the drainage easement and the Sigeco easement.

Mrs. Rector asked what he was looking at.

Mr. Dayvolt stated if he is looking at it correctly, on the west side of the property there's a Sigeco easement and a drainage easement.

Mrs. Rector stated that part of the building already exists. She stated they're not wanting to building in that direction.

Mr. Justice stated the addition is shown as the shaded area on the plot plan.

Mrs. Rector stated a few years ago in the ordinance, anything commercial did not have setbacks. She stated a commercial building could be on a lot line and the main reason they put the setback requirement of 5' is to be able to maintain the building without being on a neighboring property.

Mr. McCune stated it is on the line. He stated above ground its not but it might be below ground.

Mr. Justice stated the six inches that they're talking about is from the edge of the footing underneath the ground. He stated the footing itself does not extend over the property line and in fact the building itself steps back a few inches as it goes up. He stated he knows they're talking about splitting hairs.

Mr. Willis clarified with construction limits they're still going to have six inches of clearance.

Mr. Justice stated that is correct. He stated he wanted the Board to understand that they are taking all areas of the building, foundation, overhangs, etc. into consideration.

Mr. Willis asked if they are considering increasing their staff in that building with those new offices or are they going to rearrange the staff that they have. He asked if that would be information he would have.

Mr. Justice stated he would like to refer that question to the representative of the bank.

Paul Waters, Senior Vice President of Integra Bank approached the podium. He stated they will probably increase their staff by at least one or possibly 2 or 3. He stated some of the space is being used to get things out of the lobby because the lobby is so crowded and they want to get things out of there and back into an office.

Mr. Willis asked for any other questions by Board members. There being none he asked if there were any remonstrators for or against this petition. There being none he entertained a motion.

Steve Gibson made a motion findings of fact be made as follows:

1. The Variance will not result in substantial detriment to adjacent property or the surrounding neighborhood, and will not be materially detrimental to the public welfare.
2. The Variance is a means of relief because of the size of the properties and location of existing structures for the owner to have rights to some reasonable use of the property.
3. That the circumstances of the lot size and existing structures cause a hardship peculiar to the property and clearly constitutes a marked exception to the property in the neighborhood.
4. By granting the Variance the owner will be allowed to do the addition without affecting the drive thru traffic, traffic flow around the building, and eliminating parking spaces.

And the application be approved in accordance with the application and plans on file subject to the following conditions:

1. Subject to an Improvement Location Permit being obtained.
2. Subject to any required building permit from the Warrick County Building Department must be obtained.
3. Subject to property being properly maintained at all times.
4. Subject to all public utility easements and facilities in place.

Terry Dayvolt seconded and the motion unanimously carried.

Mrs. Rector stated his approval would be ready for him to pick up in the office on Friday.

SPECIAL USE:

BZA-SU-07-09 – Applicant: Scott Black. Owner: Backwood Properties, LLC, Scott Black, Pres.

Premises – Property located on the E side of N SR 161 approximately 0’ S of the intersection formed by N SR 161 and Lincoln Trail Rd. (N 600). Skelton Twp. (Complete legal on file.) 5722 N SR 161

Nature of Case – Applicant requests a Special Use, SU-04, from the district requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, to allow a motor cross track in a proposed “C-3” Highway Commercial Zoning District. Advertised in the Boonville Standard on April 12, 2007.

Scott Black approached the podium.

Mr. Willis stated there are only four Board members present and asked if he wanted to table the petition or if he wanted to continue with the proceedings.

Mr. Black stated he would like to proceed.

Mr. Willis called for a staff report from the Executive Director.

Mrs. Rector stated they have all the return receipts from certified mail to the adjacent property owners. She stated the applicant is requesting a special use to allow a race track in a proposed “C-3” Highway Commercial with a use and development commitment that limits the property to be used as a recreational motocross dirt track only. She stated the rezoning was heard by the Area Plan Commission and was sent to the County Commissioners with a recommendation of approval and will be heard at the County Commissioners meeting on May 9th. She stated any approval of this special use would have to be conditioned upon the rezoning being approved by the County Commissioners on May 9th. She stated the property is approximately 16.5 acres currently zoned Agriculture with the surrounding property being zoned the same with residences. She stated the applicant did come in and meet with the Commercial Site Review committee and was informed he would need to rezone the property and also obtain the special use approval. She stated there is a mobile home and barn that is rented on the property that is not being rezoned and is not a part of this application. She stated the track has been in operation since 2003 and Mr. Black obtained ownership of the property this year and wants to come into compliance with the ordinance. She stated Mr. Black reported at the Area Plan Commission the track is for motorcycles, dirt bikes and ATVs. She stated the applicant stated they race once a month for 6-7 months a year and they have obtained a driveway permit from INDOT and the approval should also be subject to the conditions and requirements of the INDOT driveway permit. She stated the application is in order.

Mr. Willis stated with the exception it hasn’t been rezoned.

Mrs. Rector stated correct. She stated he wanted to go ahead and file the special use because he wants to have a race Memorial Day weekend. She stated he understands this is subject to the rezoning being approved.

Mr. Willis asked if it is normal or has it been done in the past where the applicant comes before the Board of Zoning Appeals before the rezoning has been approved by the County Commissioners.

Mrs. Rector stated yes, not very many times but it has been done before. She stated the way their rules and regulations are set up it is a month before a rezoning goes to the Commissioners from the time that the Planning Commission hears it and so there is that time period. She stated of course the filing deadline to come before the BZA is before the Commissioners meeting.

Mr. Willis stated he understands the logistics of him wanting to get down to the road so he can have his May race but he has some reservation about it coming before us before it gets approved for a rezoning. He asked if Mr. Black had anything to add to the Executive Director’s report.

Mr. Black stated he has some information but he would rather answer questions the Board might have. He stated they just got the property from his mother and he came in to see what it took to be compliant and with the monthly meetings they ran out of time. He stated The Fellowship for Christian Athletes have just gotten into motocross two years ago and the Invitational is Memorial Weekend. He stated there is a team with them and with Crossroads Church in Evansville. He stated there are 8 teams in the area and they have Invitationals at different tracks and theirs is Memorial Weekend and that is why they took a gamble to do what they needed to be compliant by Memorial Weekend.

Mr. Willis stated the reason he came in was because they recently purchased the property but it has been running without the proper authorizations for several years and he wanted to bring it into compliance.

Mr. Black states yes. He stated he had no idea what needed to be done to bring it into compliance. He stated it was kind of a hobby to begin with and it has gotten more serious and they race once a month on Sunday afternoon. He stated they have some practices on Saturday and Memorial Weekend is a 3 day thing for the FCA Invitational.

Mr. McCune asked if he had any safety guidelines.

Mr. Black stated they have a boat load. He stated they have liability insurance and they have to be covered very well. He stated they are also looking at being AMA sanctioned. He stated it's the American Motorcycle Association, a huge group that will come in and help them organize. He stated there's been some problem with riders having a conflict with health insurance issues because if they're in a competition and they get injured, some health insurances don't like to pay. He stated if they are in a sanctioned event, the AMA will fix that.

Mr. McCune asked if all this is already set up.

Mr. Black stated the AMA is pending this proceeding. He stated they will probably start getting that ready tonight after this meeting. He stated they've got their letters of recommendation for them and everything to put in the mail. He stated they have to go to a workshop in Columbus, Ohio. He stated he thinks it's a six hour workshop over track safety, flagging issues. He stated they have a very good safety record and he can come up with letter after letter of how safe the track is.

Mr. McCune stated what he is looking at, if he's going to have to go in front of the Commissioners; all this is going to have to be brought to them for their approval. He stated the Board can't go ahead and approve it when they don't know anything about it really.

Mr. Black asked what he needed to know.

Mr. McCune stated about the safety rules and things like that. He stated this is the first time he's heard of it and its been going on for four years.

Mr. Black stated there are regulations. He stated he has his insurance policy with him if he'd like to see it.

Mr. Willis stated anything they pass to the Board becomes the property of the Board.

Mr. Black stated he can get the Board a copy which it won't do any good for this meeting. He stated they have everything that could possibly be covered, covered. He stated as far as safety, helmets, boots, goggles, and gloves are required. He stated there are certain guidelines that a person goes by and then they can go above that. He stated they separate by size and age groups and what they're riding. He stated there is nobody on a little bike riding with the bigger bikes.

Mr. McCune stated this is a big deal.

Mr. Willis asked if there were any other questions by Board members.

Mr. Dayvolt asked if he bought the property without knowing it wasn't in compliance.

Mr. Black stated he bought it from his mother.

Mr. Dayvolt stated so Mr. Black is the one who has been operating the track or was it his mother running it.

Mr. Black stated he did it on his Mother's place. He stated they purchased the property last year and he came in to try and get it compliant for this season and he is looking at getting the sanctioned events. He stated they are over the top as far as safety and regulations and there are several rules. He stated there is no limit to what you can do to take care of people. He stated as far as the compliance they just wanted to get it right before they did the AMA sanctioning and now that it's in his name, he wouldn't want his mother to go through this for him.

Mr. Dayvolt asked Mrs. Rector what zoning has to do with this.

Mrs. Rector stated the Commissioners are the final Board that rezones a property. She stated the Planning Commission makes recommendations and holds a public hearing. She stated this type of track is only allowed in a commercial zoning so the track can not go in unless it's rezoned.

Mr. Doll stated it is currently agriculture.

Mr. Dayvolt stated so it has to be rezoned.

Mrs. Rector stated yes, and he needs a special use. She stated it requires both a "C-3" zoning and a special use.

Mr. Dayvolt stated he can't do one without the other really and he has to have the other before they could make that call.

Mrs. Rector stated right, they can't do one without the other.

Mr. Dayvolt asked if they are putting the cart before the horse.

Mrs. Rector stated it could be. She stated she explained it to Mr. Black that he's taking a chance of even filing the application and spending the two hundred dollars to come before the Board and not even know if the rezoning was going to go through. She stated he understood that and he understood if the Board voted to approve it the special use would have to be conditioned upon the Commissioner's approving the rezoning.

Mr. Dayvolt asked how the Board can vote on a special use without it being zoned first.

Mr. McCune stated he doesn't know.

Mrs. Rector stated the only way they can is to put a condition on the approval that if Mr. Black gets the "C-3" zoning, they have no problem with the race track being there. She stated as long as it's zoned properly. She stated it goes in front of the County Commissioners to be rezoned in May. She stated the only difference is going to be tonight and next month is that it did get the final approval. She stated the Board can continue it.

Mr. Doll asked when the races in May take place.

Mr. Black stated Memorial Weekend.

Mr. Willis stated the next meeting is May 23rd.

Mr. Doll stated if the Board tables it to the 23rd, he knows that is awfully short notice but it doesn't sound like he is waiting to build anything. He stated he's ready to run the race tomorrow.

Mr. Black stated yes, it is existing.

Mr. Doll asked Mr. Black if this Board tabled it to give the Commissioners the opportunity to determine if they'll change the zoning from agriculture to "C-3", it can be on the agenda on May 23rd and then the cart is behind the horse versus in front of the horse. He stated he won't be doing anything out of the ordinary. He stated he still might make the May date. He stated he can't speak for the Board but just procedurally as their lawyer.

Mr. Black asked if there was any way the Board could do like Mrs. Rector was saying about approving it conditioned upon the rezoning.

Mr. Doll stated it is up to the Board.

Mr. Black stated it is not like he doesn't have to do anything between now and then. He stated his liability insurance was committed on April 1 and he's done that for the year. He's done everything he can do. He stated he will answer any questions the Board has. He stated he knows it's a technicality with different Boards but he was hoping to go home tonight with an answer.

Mr. Willis made a motion to table BZA-SU-07-09 until the May 23rd meeting. He stated he doesn't think the Board of Zoning Appeals is designed to make decisions before the County Commissioners have made a determination from the recommendation of the Area Plan Commission. He stated he believes everyone would be better served this way. He stated they could deny this tonight and he would have nothing at all. He stated the way Mr. Black wants to do it is proper procedure even though it has been done in the past and maybe allowed by the ordinances but he thinks everybody will feel more comfortable if the County Commissioners had their say before it comes before this board.

Mr. McCune seconded the motion.

Mr. Gibson stated he had a question. He stated he knows Mr. Black came in to put this track in compliance. He asked if there were ever any complaints filed or did he just come in on his own.

Mrs. Rector stated he just came in on his own and just wanted to make sure everything was in order.

Mr. Black stated the AMA is a big organization and he knows they get three races the first year and then whatever the years after and he knows the Board doesn't follow motocross but you get points at different tracks in the AMA and in different districts. He stated he doesn't know if he commits to these races and then something happens if contractually he would be stuck or not and he doesn't want to be in that position and like he said he wouldn't have asked his mother to do this for him last year.

Mr. Willis stated there is a motion on the floor and the discussion is supposed to be between the Board. He asked if there was any other discussion amongst the Board. There being none the Chairman called for a vote.

The motion unanimously carried.

BZA-SU-07-10 – Applicant: Custom Sign & Engineering by Chris Moore, Sales Rep. Owner: Warrick County School Corp. by Andy Byers, Vice Principal of Castle High School.

Premises – Property located on the E side of SR 261 approximately 0' E of the intersection formed by SR 261 and Vann Rd. (S 350) Ohio Twp. (Complete legal on file.) 5344 Vann Rd.

Nature of Case – Applicant requests a Special Use, SU-08, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, to allow an electronic message board in an "A" Agriculture Zoning District. Advertised in the Boonville Standard on April 12, 2007.

Chris Moore from Custom Sign & Engineering approached the podium.

Andy Byers from Castle High School approached the podium.

Mrs. Rector stated they have all the return receipts to adjacent property owners from certified mail. She stated the applicant is requesting a special use to allow an electronic message board for Castle High School. She stated the property is approximately 33 acres zoned agriculture. She stated the surrounding property to the north and east is zoned the same with residences. She stated the property to the south is also part of the school and zoned the same. She stated the property to the west is zoned single family and is Old Hickory Subdivision. She stated the applicant states on the application that they are wanting to replace an existing manual copy board with an electronic message board. She stated if approved one of the conditions should be that no advertising would be allowed on the sign except for school related activities. She stated the ordinance states that the sign can not display the words "look", "stop", "danger", or any other words which would confuse traffic. She stated the application is in order.

Mr. Willis asked the petitioner if he had anything to add to the Executive Director's report.

Mr. Byers stated no.

Mr. Willis asked if there were any questions by Board Members.

Mr. Gibson asked if this sign is going to be the same size as the one already there.

Mr. Byers stated it will be a little smaller.

Mr. Moore stated the picture the Board has shows the existing sign and the message part will be a little smaller than what's there now.

Mr. Byers stated the top part is exactly the same size.

Mr. Willis asked if they are putting it between the two Castle stands.

Mr. Moore stated it is the same spot as the existing sign.

Mr. Willis asked if there were any other questions by Board members.

Mr. Dayvolt asked if they were in any public utility easements.

Mrs. Rector stated none that they know of. She stated that is why they have the conditions of approval that say the sign is subject to any easements in place because if it's not in a subdivision they don't know where they are.

Mr. Willis stated to Mrs. Rector that she may not have the answer to this question but does she know of any plans for the State to take any part of the highway for the widening of SR 261.

Mrs. Rector stated she does not know.

Mr. Willis asked if there were any other questions by Board members. There being none he asked if there were any remonstrators for or against this petition.

Bruce Lang, a resident of Old Hickory, approached the podium. He stated he still doesn't have enough information to make a decision on this. He stated the current sign is right around in the middle of the building. He stated the notice said it was going to be down on Vann Rd. so he's unclear exactly where the sign is going to be. He stated nobody wants a sign, especially a flashing one or whatever it's going to be in their backyard. He stated they just attended the public hearing on SR 261 and it is going to be widened and it would conflict where the existing sign is. He stated so again they are concerned about their property values and exactly the size and what kind of sign it really is. He asked if its going to be illuminated at night, how high is it going to be and anything bigger than the existing sign; he can already see it from his backyard.

Mrs. Rector stated the application says the property is located at the intersection of Vann and SR 261, not the sign. She stated the new sign is fitting within the area of the existing sign; it isn't going to be any higher or wider. She stated they have a picture for him to see.

Mr. Lang stated if it's going to be red at night; that is highly concerning. He stated he'd be concerned about motorists. He stated he doesn't care what they're going to put on there, it is a distraction. He stated his next comment is more for the School Corporation. He stated he heard the cost of this and it is pretty sad that they've got that kind of money. He stated there's not another school in Indiana that's spending this kind of money on signs and not on teachers.

Mr. Willis asked if there were any other remonstrators for or against this petition. There being none he asked Mr. Byers if he would like to rebut.

Mr. Byers stated yes. He stated all the money raised for this sign was by donations. He stated no money is being obtained by the Warrick County School Corporation to produce this sign.

Mr. McCune asked how bright the sign is.

Mr. Moore stated it is the same as CVS. He stated he doesn't know how many lumens it puts out or anything but it normally is not flashing like a flashing red light. He stated it reads a message and then changes and then reads another message. He stated the speed of it can be controlled by the school.

Mr. Willis stated the colors change also. He stated they're not necessarily just a red letter on a black background.

Mr. Moore stated this one is just red. He stated they have an option of an amber color which is closer to white or off white.

Mr. Willis stated the sign has a predetermined color, they can't change it.

Mr. Moore stated right, they have to pick one or the other in this particular instance.

Mr. Dayvolt asked if the sign will be on 24 hours a day.

Mr. Byers stated he is assuming so. He stated he didn't think about it but it doesn't have to be.

Mr. McCune asked if it is set by a computer also.

Mr. Moore stated yes.

Mrs. Rector stated the background is black and the letters are red, the background is not red.

Mr. Moore stated yes.

Mr. Dayvolt asked if the sign they have now is on 24 hours a day.

Mr. Byers stated the manual one is illuminated 24 hours a day. He stated there are lights directed towards the sign.

Mr. Gibson stated he was sorry, he didn't hear the answer if they're on 24 hours a day.

Mr. Byers stated yes.

Mr. Willis asked if there were any other questions by Board members. He asked how high the sign is from the ground.

Mr. Moore stated 3 foot.

Mr. Willis stated he is trying to get a feeling of how tall the overall sign would be off the ground.

Mr. Moore stated the bottom of the message unit is 3 foot. He stated the message unit by itself is 3'3". He stated the top sign is 3'x12'. He stated it will be 9' to the top which is what the existing sign is now.

Mr. Willis stated the top of the top of the sign would be 9' off the ground.

Mr. Moore stated correct. He stated where it humps up is the very top that is 9' from the ground.

Mr. Willis stated the message part that will be changing will be lower than that then.

Mr. Dayvolt stated it will be 6'6 to the top of the message part and there's six foot privacy fences back there.

Mr. Willis asked if there were any other questions by Board members. There being none he entertained a motion.

William McCune made a motion findings of fact be made as follows:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The specific site is appropriate for the USE.
4. The USE as developed will not adversely affect the surrounding area.
5. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
6. Adequate and appropriate facilities will be provided for proper operation of the USE.
7. The USE will be replacing an existing sign.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to any required State or Federal Permits.
2. Subject to an Improvement Location Permit being obtained.
3. Subject to any required Building Permit from the Warrick County Building Department.
4. Subject to the property being in compliance at all times with the applicable zoning ordinance of Warrick County.
5. Subject to all public utility easements and facilities in place.
6. Subject to the message board being used for the advertisement of Warrick County School Corporation items only and will not be used as a billboard for lease.
7. Subject to the words “stop”, “danger”, “look”, or any other word which would confuse traffic not being used.
8. Subject to the electronic message board being turned off between the hours of 11:00 pm to 5:00 am.

Terry Dayvolt seconded.

Mr. Willis stated he can see where the sign would be a nuisance possibly to some of the residents around there. He stated he would like to say that they amend that motion and put a condition that the sign be turned off between the hours of midnight and 5 a.m. to give the neighbors some time in there. He stated there's a lot of traffic up and down that road until midnight. He would like to see them have some time restraints on the sign.

Mr. McCune stated he would like to make an amendment to his motion stating that between the hours of 11 p.m. until 5 a.m. that the sign be turned off.

Mr. Willis asked Mr. Byers if he can do that with the computer.

Mr. Byers stated yes.

Mr. Dayvolt asked if he can separate the message board and the words Castle High School. He stated the top part is illuminated to so should that go off during those times.

Mr. McCune stated just the message board.

Mr. Willis agreed. He stated their lights are on all night right now so that would be fine.

Mr. McCune stated just the message only. He stated as far as the rest of the sign it can stay on.

Mr. McCune stated he will amend his motion that only the message board needs to be turned off between the hours of 11 p.m. and 5 a.m.

Mr. Dayvolt amended his second to include that.

Mr. Willis asked if there was any further discussion. There being none he called for a vote.

The motion unanimously carried.

Mrs. Rector stated they would have the approval done Friday.

BZA-SU-07-12 – Applicant: Friendship Community Campus, Inc. by Phil Elikofer, Pastor. Owner: Friendship Community Campus, Inc. & the Trustees of Friendship Cemetery of Warrick County by R. Dale Austin, Trustee.

Premises – Property located on the E side of Friendship Rd. (E 75) approximately .5 m N of the intersection formed by Friendship Rd and SR 68. Lane Twp. (Complete legal on file.) 12255 Friendship Rd.

Nature of Case - Applicant requests a Special Use, SU-19, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, to allow the construction of a 1440 sq. ft. addition to a gymnasium to be used in conjunction with an existing church in an “A” Agriculture and “C-4” General Commercial Zoning District. Advertised in the Boonville Standard on April 12, 2007.

Phil Elikofer approached the podium and stated he is the Pastor for the Friendship Church.

Mrs. Rector stated they do have all the return receipts of adjacent property owners from certified mail. She stated the applicant is requesting the SU-19 which is churches and church operated incidental accessory facilities on the same site and religious facilities. She stated the church is located on adjacent property owned by the Trustees of Friendship Cemetery of Warrick County and is a part of this application. She stated they do have Power of Attorney for Mr. Elikofer to represent Old Friendship Cemetery Board. She stated the existing gymnasium is owned by the Friendship Community Campus. She stated the existing gymnasium was built prior to special uses being required. She stated this Board ruled that any existing churches who wanted to add on or expand in anyway would need to come before this Board once the ordinance changed requiring a special use. She stated the property is approximately 3 acres zoned “A” Agriculture and “C-4” General Commercial. She state the surrounding property is zoned the same. She stated the Operating Engineers Union is located to the west and the property to the east is vacant. She stated they do have a sign off from the Health Department on the existing septic and the Highway Engineer has inspected the existing drive and no improvements are needed. She stated the application is in order.

Mr. Willis asked if Mr. Elikofer had anything to add to the staff report.

Mr. Elikofer stated no.

Mr. Willis asked if there were any questions by Board members. There being none he asked if there were any remonstrators for or against this petition. There being none he stated he would entertain a motion.

Steve Gibson made a motion findings of fact be made as follows:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The specific site is appropriate for the USE.
4. The USE as developed will not adversely affect the surrounding area.
5. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
6. Adequate and appropriate facilities will be provided for proper operation of the USE.
7. The USE will be beneficial to the community and will be used in conjunction with the existing church.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to any required State or Federal Permits.
2. Subject to an Improvement Location Permit being obtained.
3. Subject to any required Building Permit from the Warrick County Building Department.
4. Subject to the property being in compliance at all times with the applicable zoning ordinance of Warrick County.
5. Subject to all public utility easements and facilities in place.

William McCune seconded and the motion unanimously carried.

Mrs. Rector stated they would have his approval ready Friday.

BZA-SU-07-13 – Applicant & Owner: Abundant Life Assembly of God, Inc. by Wayman Brackett, Director

Premises – Property located on the S side of Sharon Rd. (S 575) approximately 0' E of the intersection formed by Sharon Rd. and Rosebud Ln. Ohio Twp. (Complete legal on file.) 7333 Sharon Rd

Nature of Case – Applicant requests a Special Use, SU-19, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, to allow the construction of a youth center on property with an existing church in an “R-1A” Single Family Dwelling zoning district. Advertised in the Boonville Standard on April 12, 2007.

Wayman Brackett, member of the Board of Directors, approached the podium and stated what they’re wanting to do is build a youth oriented worship center that will be in the center of their property. He stated it is south west of their existing building.

Mr. Willis asked the Executive Director where Sharon Rd and Rosebud Ln. are located.

Mr. Dayvolt stated it should be Rosewood Ln.

Mr. Willis stated he just wanted to correct that for the record.

Mr. Willis asked if Mr. Brackett wanted to table this to the next meeting due to only four Board members being present.

Mr. Brackett stated he wants to proceed this evening.

Mrs. Rector stated they have all the return receipts except for four individuals. She stated they had to notify several because they adjoin a subdivision. She stated they do have the white pay receipts showing they were mailed on time and to the correct address. She stated this is a request for a SU-19 to allow the construction of a youth center to be used in conjunction with an existing church. She stated the property is approximately 18 acres zoned “R-1A” Single Family Dwelling. She stated the surrounding property to the east, south and west is zoned Residential with residences on them. She stated the property to the north is zoned Agriculture with Sharon School. She stated the applicant states on the application that the new student ministry building will be used for religious purposes; preaching, worship, teaching, singing and associated activities including soft drink and snack bar. She stated the property is located within a Zone A Flood Plain so before any Improvement Location Permits can be issued the applicant will have to obtain a certified plot plan from a licensed land surveyor or engineer showing the first floor elevation will be two feet above the base flood elevation ten feet out from all corners of the proposed structure. She stated the County Engineer did do an inspection on the existing drive and no improvements are necessary. She stated the application is in order.

Mr. Willis asked Mr. Brackett if he had anything to add to the staff report.

Mr. Brackett stated that pretty well covers it. He stated they are here to answer any questions they might have regarding their plans. He stated they had the driveways go in a few years ago. He stated they pulled permits and installed those. He stated they have everything pretty well in order they think.

Mr. Willis asked if there were any questions by Board members. There being none he asked if there were any remonstrators for or against this petition. There being none he entertained a motion.

Terry Dayvolt made a motion findings of fact be made as follows:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The specific site is appropriate for the USE.

4. The USE as developed will not adversely affect the surrounding area.
5. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
6. Adequate and appropriate facilities will be provided for proper operation of the USE.
7. The USE will be beneficial to the community and will be used in conjunction with the existing church.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to any required State or Federal Permits.
2. Subject to a Certified Plot Plan being submitted to obtain an Improvement Location Permit.
3. Subject to any required Building Permit from the Warrick County Building Department.
4. Subject to the property being in compliance at all times with the applicable zoning ordinance of Warrick County.
5. Subject to all public utility easements and facilities in place.

Steve Gibson seconded and the motion unanimously carried.

Mrs. Rector stated they will have their approval done Friday.

BZA-SU-07-14 – Applicant & Owner: Newburgh United Methodist Church by Judy Masterson, Trustee.

Premises – Property located on the E side of Old SR 261 approximately 0 S of the intersection formed by Old SR 261 and Olde Newburgh Dr. Ohio Twp. (Complete legal on file.) 4178 Old SR 261.

Nature of Case - Applicant requests a Special Use, SU-19, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, to allow an addition to an existing church in an “A” Agriculture Zoning District. Advertised in the Boonville Standard on April 12, 2007.

Rick Martin, Attorney for United Methodist Church, and Judy Masterson, Trustee for the church, approached the podium.

Mr. Willis called for a staff report.

Mrs. Rector stated they have all the return receipts from certified mail to the adjacent property owners. She stated they are requesting a SU-19 to allow an addition to an existing church. She stated the applicant states on the application the addition will be used for Sunday school rooms, gym for basketball and volleyball and restrooms. She continued the gym will also serve for church services and special activities such as plays. She stated the applicant did come to a commercial site review meeting on August 24th of last year and was informed they would need the special use approval and drainage board approval. Mrs. Rector asked Mr. Martin if they went before the Drainage Board.

Mr. Martin stated they did go before the Drainage Board and they did approve the drainage plans.

Mrs. Rector continued the property is approximately 10 acres zoned “C-4” General Commercial and “A” Agriculture. She stated the existing church is 27,800 square feet and the proposed addition is approximately 15,061 square feet. She stated the applicant is showing an existing 159 parking spaces and an additional 30 parking spaces with the addition. She stated the surrounding property to the north and west is zoned commercial with The Trinity Bible College. She stated the property to the east and south is zoned residential with residences. She stated the County Highway Engineer has inspected the existing driveway and no improvements are necessary to Newburgh Road. She stated the application is in order.

Mr. Willis stated for the record he is a United Methodist Church member on Main Street in Boonville which is also in the Evansville district. He asked the petitioner if there was anything he wanted to add to the Executive Director's report.

Mr. Martin stated the improvement is for a Family Life Center to be added to the existing church for similar uses as what the church is being used for at the present time. He stated an additional benefit to the community as part of this addition is there will be a gymnasium and restrooms with shower facilities so that in the event there were another emergency or disaster such as the tornado of November, 2005, this facility could serve as an emergency shelter. He stated he would like to answer any questions the Board might have.

Mr. Willis asked if there were any questions by Board members. There being none he asked for any remonstrators for or against the petition. There being none he entertained a motion.

Terry Dayvolt made a motion findings of fact be made as follows:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The specific site is appropriate for the USE.
4. The USE as developed will not adversely affect the surrounding area.
5. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
6. Adequate and appropriate facilities will be provided for proper operation of the USE.
7. The USE will be beneficial to the community and will be used in conjunction with the existing church.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to any required State or Federal Permits.
2. Subject to an Improvement Location Permit being obtained.
3. Subject to any required Building Permit from the Warrick County Building Department.
4. Subject to the property being in compliance at all times with the applicable zoning ordinance of Warrick County.
5. Subject to all public utility easements and facilities in place.

William McCune seconded.

Mr. Willis stated he forgot to ask Mr. Martin if he would like to continue this petition until next month's meeting due to the number of Board members present.

Mr. Martin stated no, he'd like to proceed with the petition.

Mr. Willis called for a vote and the motion unanimously carried.

Mrs. Rector stated his approval would be ready Friday.

OTHER BUSINESS:

Report on BZA-SU-06-28 – Applicant: Helen Geary Owners: Lee Geary, Helen Avery Geary, and Denise Lynn Avery.

Mrs. Rector stated this is for the dog kennel. She stated Mr. Rhoades, the Superintendent of the Warrick County Highway Department, did do an inspection. She stated his letter states that he returned to Mrs. Geary's residence at 5800 Hadley Rd. on Friday March 30th at 9:00 a.m. He

stated he saw no evidence of a kennel operation outside the residence. He stated he observed two dogs in a pen in front of the house and he also observed that the dog pens behind the residence have been dismantled. She stated that Mrs. Geary at that time was not in violation.

Mr. Willis asked if the Board needed to act on this in anyway.

Mrs. Rector stated no, it is just a report.

Mr. Doll asked if there was a pending application before the Board.

Mrs. Rector stated no, the Board denied it and gave her 30 days to clean it up.

ATTORNEY BUSINESS:

None.

EXECUTIVE DIRECTOR BUSINESS:

None.

There being no other business Larry Willis entertained a motion to adjourn the meeting.

Steve Gibson made a motion to adjourn. Terry Dayvolt seconded and the motion unanimously carried.

The meeting adjourned at 7:30 pm.

Larry Willis, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Area Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of said Board at their monthly meeting held April 25, 2007

Sherri Rector, Executive Director & Secretary